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UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

KMI ZEOLITE, INC., a Nevada corporation,  
 Plaintiff / Counterclaim-  
 Defendant,

v.

J.C. STEELE & SONS, INC., a North Carolina  
 corporation; DOES, I-X, ROE BUSINESS  
 ENTITIES I through X, inclusive,  
 Defendant / Counterclaim-  
 Plaintiff.

Case No. 2:24-cv-01215-RFB-EJY

**STIPULATION TO EXTEND THE CLOSE  
 OF DISCOVERY AND REBUTTAL  
 EXPERT DISCLOSURE DEADLINE**

**(FIRST REQUEST)**

Pursuant to LR 26-3, Defendant J.C. Steele & Sons, Inc. (“J.C. Steele”), by and through undersigned counsel, and Plaintiff KMI Zeolite, Inc. (“KMI”) hereby state as follows:

KMI filed the instant lawsuit on July 4, 2024. *See* ECF No. 1. After filing a motion to dismiss, J.C. Steele answered on December 6, 2024. *See* ECF Nos. 8, 28. The parties filed an Amended Stipulated Discovery Plan and Scheduling Order on December 3, 2025 (ECF No. 24), which the Court adopted (ECF No. 25). Discovery currently closes on June 20, 2025. *See* ECF Nos. 24, 25.

**I. DISCOVERY COMPLETED**

The following discovery has been completed in this matter:

- a. Each party has served disclosures and supplements pursuant to FRCP 26.

1           b.       On December 20, 2024, J.C. Steele served Requests for Admission, Requests  
2 for Production, and Interrogatories, to which KMI responded on February 4, 2025.

3           c.       On February 17, 2025, KMI served Requests for Production, to which J.C.  
4 Steele responded on April 14, 2025.

5           d.       On April 8, J.C. Steele served its Second Set of Requests for Production, to  
6 which J.C. Steele responded on May 8, 2025.

7           e.       On April 21, 2025, KMI disclosed two experts.

8           f.       On May 7, 2025, KMI served its Second Set of Requests for Production, to  
9 which J.C. Steele's responses are due on June 6, 2025.

10          g.       On May 14, 2025, KMI served its Second Set of Interrogatories to which  
11 J.C. Steele's responses are due June 13, 2025.

12          h.       On May 14, 2025, KMI served its Third Requests for Production of  
13 Documents, to which J.C. Steele's responses are due June 13, 2025.

14          i.       J.C. Steele has taken the deposition of two individuals.

15          j.       KMI has taken the deposition of one individual.

16   **II.   DISCOVERY REMAINING**

17          a.       J.C. Steele will respond to KMI's May 7, 2025, Requests for Production and  
18 Interrogatories for which responses are due on June 6, 2025.

19          b.       J.C. Steele will respond to KMI's May 14, 2025, written discovery for which  
20 responses are due June 13, 2025.

21          c.       J.C. Steele intends to take the deposition of one more individual.

22          d.       KMI intends to take the deposition of three more individuals. The  
23 depositions are currently set for May 29 and June 3, 2025. The third deposition which was  
24 set for May 20, is currently being re-scheduled.

25          e.       J.C. Steele intends to depose KMI's two designated experts.

26          f.       J.C. Steele intends to disclose rebuttal experts.

27          g.       KMI may depose J.C. Steele's rebuttal experts.

1 **III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS**  
2 **SET BY DISCOVERY PLAN**

3 As part of the ongoing conferrals, KMI has made several very recent supplementals to its  
4 responses and productions. As a few examples: (1) on April 25, KMI produced over 1,000  
5 documents mostly comprised of communications between the parties; (2) on April 28, KMI  
6 produced on over 100 photos and videos; (3) on May 2, KMI produced important financial data;  
7 (4) on May 8, KMI produced more than 1,000 documents, largely comprised of internal  
8 communications; (6) on May 12, KMI disclosed a cost analysis; and (7) on May 13, KMI produced  
9 more than 3,000 documents.

10 **J.C. Steele's Position:** J.C. Steele, its counsel, and its experts are still reviewing the 3,000-  
11 plus documents served by KMI at the end of April and in early May. These recent productions have  
12 inhibited J.C. Steele's experts' ability to prepare expert reports by the current expert disclosure  
13 deadline on May 21, 2025. J.C. Steele was unable to seek an extension 21 days before the deadline  
14 on May 21, 2025, because J.C. Steele was not aware that KMI's supplemental productions would  
15 require a significant amount of time to review. After receiving the supplemental productions on  
16 May 2, 2025, on May 5, 2025, counsel for J.C. Steele requested that KMI agree to extend the  
17 rebuttal J.C. Steele's expert disclosure deadline to allow J.C. Steele to review the recent production  
18 and the forthcoming production of internal communications. Thereafter, on May 8 and 13, KMI's  
19 counsel produced 3,000-plus documents further necessitating an extension. There is good cause to  
20 extend J.C. Steele's rebuttal expert disclosure deadline by two weeks to allow J.C. Steele to review  
21 these productions. J.C. Steele's inability to seek an extension earlier was not due to its own neglect,  
22 but even if it were due to J.C. Steele's neglect, it should be excused because J.C. Steele did not  
23 anticipate KMI's productions would be so large. Below, KMI asserts these productions are timely  
24 and only large due to the metadata included. J.C. Steele disagrees. While KMI's productions were  
25 partially made in response to recent discovery requests, they contain thousands of documents  
26 subject to the parties' ongoing conferrals and responsive to discovery served in December 2024.  
27 J.C. Steele has repeatedly conferred with KMI to resolve J.C. Steele's discovery concerns without  
28 intervention from the court and these productions are largely a result of that effort. The parties also

1 spent several days exchanging drafts of this stipulation, which further delayed this request to extend  
2 the deadlines. J.C. Steele also disagrees with KMI's representations below regarding the drafts of  
3 this stipulation and its compliance with the Local Rules.

4 There is good cause to extend the expert rebuttal disclosure by two weeks from May 21,  
5 2025, to June 4, 2025. Although this stipulation is filed less than 21 days before the May 21, 2025,  
6 deadline, the extension became necessary after May 1, 2025. There is also good cause to extend the  
7 close of discovery by one week from June 20, 2025, to June 27, 2025, to accommodate KMI's  
8 depositions of J.C. Steele's experts.

9 **KMI's Position:** JC Steele first requested an extension of the rebuttal expert deadline on  
10 May 5 citing the fact that it was working through recent supplements and still waiting on additional  
11 internal communications. Neither of KMI's experts relied on internal communications, and KMI  
12 was concerned supplementations was not legitimate grounds to extend a rebuttal expert deadline  
13 because experts can supplement their reports 30 days before trial. Nevertheless, KMI initially  
14 offered a one-week extension, but then later agreed to a two-week extension in light of KMI's  
15 counsel's planned vacation the week of June 15 and upon the condition that if KMI chose to depose  
16 JC Steele's rebuttal expert(s), JC Steele would ensure his/her availability the week of June 23. The  
17 parties also agreed to extend discovery one week to accommodate this. KMI noted, however, that  
18 JC Steele may have issues with excusable neglect for purposes of the rebuttal expert deadline, but  
19 good cause was still in play in terms of extending discovery. JC Steele did not circulate its first  
20 draft of a document to extend these deadlines until May 14, and even then what it circulated was  
21 not in compliance with Local Rule 26-3; in fact the rule was not even cited. After having to twice  
22 direct JC Steele's counsel to the local rule, it was not until May 16 that JC Steele finally provided  
23 a version that complied with the rules. But JC Steele was now including as grounds for excusable  
24 neglect, KMI's responses to written discovery issued by JC Steele. Those responses were due on  
25 May 8. KMI does not believe this could possibly serve as grounds for excusable neglect as KMI  
26 responded on the date the responses were due. Also, the only reason the production is voluminous  
27 is JC Steele requested meta data. Thus, it is the meta data that makes up the volume as opposed to  
28 anything substantive. Ultimately, however, KMI agrees with a two-week extension for the rebuttal

expert deadline and one week for the close of discovery. But defers to the Court to determine whether excusable neglect exists.

To ensure there is sufficient time for KMI to depose the rebuttal experts KMI believes good cause exists to extend the close of discovery from June 20, 2025 to June 27, 2025.

#### IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

<u>Event</u>	<u>Previous Deadline</u>	<u>New Deadline</u>
Rebuttal Expert Disclosure	May 21, 2025	June 4, 2025
Close of Discovery	June 20, 2025	June 27, 2025

This is the first request to extend any discovery deadlines in this action. No other deadlines will be affected by these two short extensions. The parties submit this Stipulation and Order in good faith and not for purposes of delay or to prejudice any party.

DATED this 19th day of May, 2025.

HANKS LAW GROUP

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**IT IS SO ORDERED**

  
UNITED STATES MAGISTRATE JUDGE

DATED: May 19, 2025